

2/5/2025

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

HERMAN TRACY EVANS,

Plaintiff,

v.

THE CITY OF LYNCHBURG, *et al.*,

Defendants.

CASE NO. 6:24-cv-00019

ORDER

JUDGE NORMAN K. MOON

For the reasons set forth in an accompanying memorandum opinion, Defendants' Motion to Dismiss (Dkt. 7) is granted in part and denied in part as follows:

Count One Excessive Force: Defendants' Motion to Dismiss is **denied** as to Officer Reed and **granted** as to Officer Williams;

Count Two Bystander Liability: Defendants' Motion to Dismiss is **granted**;

Count Three Conspiracy: Defendants' Motion to Dismiss is **granted**;

Count Four Unconstitutional Custom or Practice: Defendants' Motion to Dismiss is **granted**;

Count Five Failure to Train: Defendants' Motion to Dismiss is **granted**;

Count Six Failure to Discipline: Defendants' Motion to Dismiss is **granted**;

Count Seven Ratification: Defendants' Motion to Dismiss is **granted**;

Count Nine Assault and Battery: Defendants' Motion to Dismiss is **denied** as to Officer Reed and **granted** as to Officer Williams;

Count Ten: Gross Negligence: Defendants' Motion to Dismiss is **denied** as to Officer Reed and **granted** as to Officer Williams.

The Clerk of the Court is hereby directed to send this Order to all counsel of record.

Entered this 5th day of February, 2025.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE